

REMARKS

Claims 1-43 have been amended and renumbered claims 32-74. Claims 32-74 remain pending in the application.

Claim Objections

The numbering of the claims were objected to as not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution.

The original application included claims 1-31, which were canceled by Preliminary Amendment dated 04/19/01 and claims 1-43 were added. Applicant has amended the added claims to renumber them 32-74. Applicant respectfully requests the withdrawal of the objection.

The Office Action renumbered the claims as 29-71, which was incorrect. For this response, applicant will adjust the response to the correct renumbered claims.

Rejections under 35 U.S.C. § 102

Claims 32-36, 38-39, 42-45, 49-50, 53-57, 61-66 and 70-74 were rejected under 35 U.S.C. 102(b) as being anticipated by Bashan et al. The Applicant respectfully traverses this rejection

The Office Action states that Bashan et al. teaches a method and system for monitoring parked vehicles, comprising a hand-held device for monitoring and identifying a vehicle in at least one parking zone, the device including input means for feeding input identification particulars of a vehicle in a parking zone into the device; communication means for receiving reference identification particulars of vehicles communicated from a remote station to the device; storage means for storing said reference identification particulars; timing means for timing the duration for which the vehicle is parked in the parking zone; processor means connected to the input means and to the storage means, the processor means including comparator means for comparing the input identification particulars with the reference identification particulars, the processor means being operable to calculate a monetary amount due for parking for said duration in the parking zone so that the device functions as a parking meter; signal generation means for

selectively generating a warning signal in response to said comparison; display means; and monetary receiving means for receiving the monetary amount due.

Axiomatically, rejection of a claim for anticipation by a reference requires that the reference explicitly or inherently describe all of the elements, limitations, and relationships recited in the claim.

Bashan et al. discloses a system for monitoring parked vehicles in which a portable parking tag 11 is loaded with an amount of monetary credit stored within a memory 17 (Bashan, col. 7, lines 36-38). The monetary credit is continuously debited from the memory according to the cumulative parking time for which the parking tag 11 has been used. The cumulative parking debit is then subtracted from the remaining credit stored within the memory 17. (Bashan, col. 8, lines 12-25) A terminal 50 is used to renew the available credit in the parking tag 11

In contrast, all of the payments in the present invention are done through the supervisor who enters the payment in the hand-held remote unit 18. The supervisor receives payment for the use of the parking bay and enters payment details into the remote unit 18. "In order to facilitate payment to the supervisor, the reading means 38 is provided for receiving smart cards, credit cards, or the like." (page 12, lines 13-15)

Each of the independent claims of the present invention (claims 32, 43, 54, 63 and amended claim 73) requires that the hand-held device houses "monetary receiving means". This element is lacking in Bashan. The Office Action indicates that the hand-held device 12 in Bashan includes monetary receiving means described at column 11, lines 55-61. This is not accurate. A closer reading of Bashan shows that terminal 50 is used for renewing the available credit stored within the parking tag 11, not the portable reading device 12. (see col. 11, line 13-15). Nowhere in Bashan is it disclosed that the portable reading device 12 is used in the collection of money or houses a "monetary receiving means for receiving the monetary amount due".

Accordingly, claims 32, 43, 54, 63 and amended claim 73, along with their dependent claims, are not anticipated by Bashan and the applicant respectfully requests withdrawal of this rejection.

Rejections under 35 U.S.C. § 103

Claims 37 and 48 were rejected under §103(a) as being unpatentable over Bashan in view of Hjelmvik et al. (WO 98/30982).

Claims 40-41 and 51-52 were rejected under §103(a) as being unpatentable over Bashan in view of Ganot (US 5,166,680).

Claims 58-60 and 67-69 were rejected under §103(a) as being unpatentable over Bashan in view of Vazvan (WO 97/19568).

Claims 61 and 70 were rejected under §103(a) as being unpatentable over Bashan. The Applicant respectfully traverses these rejections.

As shown above, independent claims 32, 43, 54 and 63 are allowable over the prior art. Claims 37, 40 and 41 are dependent on claim 32; claims 48, 51 and 52 are dependent on claim 43; claims 58-60 and 61 are dependent on claim 54; and claims 67-69 and 70 are dependent on claim 63, and all of them should be allowable over the prior art for the same reasons given above. Accordingly, applicant respectfully requests withdrawal of these rejections.

In the Application of
Leslie John Cass
Application Serial No.: 09/830,018
Filed: Jun 29, 2001
Page 14

PATENT
Attorney Docket No.: ADAMS1100

CONCLUSION

For at least the foregoing reasons, the Applicants submit that the rejections of the pending claims have been overcome and that the claims are allowable. The Applicant therefore respectfully requests that the Examiner reconsider the rejections and allow claims 32-74. If any extensions of time are necessary to prevent the above referenced application from becoming abandoned, the Applicant hereby petitions for such extensions.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's representative can be reached at (858) 677-1456.

Enclosed is a check in the amount of \$55.00 for the One (1) Month Extension of Time Fee. The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355.

Respectfully submitted,

Date: June 24, 2004



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer Number 28213